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REMARKS/ARGUMENTS

As a preliminary matter, Applicants thank Examiner Liu and his primary, Examiner Carlson, for their time and assistance in the prosecution of the instant application, most recently a telephone conversation with Examiner Liu on December 2, 2004, regarding suggestions to advance prosecution of the application.

Claims 1-11 are pending. The present Response amends claims 1 and 2, without prejudice. Support for the amendment to claims 1 and 2 can be found at least at page 9, lines 17-21, and page 10, lines 3-9 of the specification. Applicants submit that no new matter is introduced by the amendments.

Issues under 35 U.S.C. 112, second paragraph

The Patent Office has rejected claims 1-11 under 35 U.S.C. §112, first paragraph for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and/or that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and or use the invention commensurate in scope with this claim. Applicants respectfully traverse this rejection.

In particular, the Patent Office alleges that "[t]he specification fails to provide sufficient description as to use of variants, fragment, analog, mimetics or/and derivative of GLP-1 or analog thereof, or exendin-4, for treatment or prevention of intermittent claudication (IC)..." The Patent Office further alleges that the application discloses "only the method of GLP-1 treatment of cardiac muscle ischemia disorder state." (See pages 2, 3 and 5 of the Office Action.)

Applicants respectfully submit that the specification, as a whole, teaches much more than treatment of cardiac muscle. For instance, one of ordinary skill in the art would understand that

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cardiac muscle was used in the specification only as an example and that the description, explanations and reasoning applied to treating cardiac muscle injury are also applied to skeletal muscle injury. Applicants have also amended claims 1 and 2 to more particularly describe the claimed invention. Applicants submit that the claims fulfill the written description and enablement requirement of section 112, first paragraph.

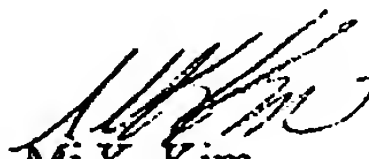
Accordingly, for the reasons provided herein and in previous Responses made of record, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-11 under 35 U.S.C. §112, first paragraph.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance and request that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

Applicants believe that no additional fee is necessitated by the present paper. However, in the event any fees are due or any amount is to be credited as a result of the present Response, Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,


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